

Remarks

Claims 1-33 were presented for prosecution, and presently stand rejected under 35 USC 103(a) as being unpatentable over Hagai et al., US 6,414,972 ("Hagai") in view of Sun et al., US 5,455,629 ("Sun").

Applicant respectfully traverses the 35 USC 103(a) for the following reasons. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

In the present case, Applicant submits that there is no suggestion or motivation to combine the reference teachings, and the reference teachings fail to teach or suggest all the claim limitations. For instance, in claim 1, the Office Action states that Hagai teaches "determining a relative importance" and Sun teaches "macro-blocks." However, the Office Action fails to consider, *inter alia*, that claim 1 recites determining a relative importance "based on **how often** each macroblock acts a reference block" (as recited in claims 1, 10, 17, 26, and 31). Hagai teaches determining priority based on the size or amount of the coded signals (see, e.g., column 8, lines 54-56), or based on other factors described in columns 10 and 11. None of the embodiments described in Hagai teach or suggest determining a relative importance based on *how often*, i.e., a frequency, a given macroblock acts as a reference block. Sun fails to remedy this deficiency, as it provides a methodology for concealing errors and does not consider *how often* a macroblock acts as

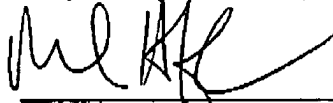
a reference block in its processing. The only prioritization scheme in Sun is described in column 3, lines 23-55, which assigns a priority based on a type of data, e.g., header data is assigned a 1, motion vectors are assigned a 2, etc. Accordingly, neither reference teaches or suggests prioritizing based on how often each macroblock acts a reference block. Accordingly, because the prior art fails to teach or suggest each and every feature of the claimed invention, as required under 35 USC 103(a), Applicant respectfully submits that the pending claims are not obvious in light of the cited art.

The dependent claims not discussed above are believed allowable for the reasons discussed above, as well as for their own additional features.

Accordingly, Applicant respectfully submits that all claims are in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number listed below.

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Respectfully submitted,



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